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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,595	03/16/2004	Zhong Sheng Chen	USP2086A-ZSC	3882
30265	7590	08/18/2005	EXAMINER	
RAYMOND Y. CHAN			RUNNING, RACHEL A	
108 N. YNEZ AVE., SUITE 128			ART UNIT	
MONTEREY PARK, CA 91754			PAPER NUMBER	

3732

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,595

Applicant(s)

CHEN, ZHONG SHENG

Examiner

Rachel A. Running

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in formal language (page 1, line 20) "theirs own hairs" suggest changing to "one's own hair," and spelling error (page 8, line 9) "3-demensionally."

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: (page 5, line 26) 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5, 8, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiraello U.S. Patent No. 2,185,050. Chiraello discloses a combined brush and comb that contains an elongated comb body having a handle portion (6) (column 2, lines 1-3), a guiding portion (4) extended from the handle portion, a plurality of combing teeth (7) and a plurality of brush members (8) upwardly extended along each of the combing teeth (column 2, lines 10-14). See Figure 2. Regarding claim 3, the combing teeth (7) have a tapered shape. See Figure 1. Regarding claim 5, the brush members have a predetermined height where the brush members gradually reduce in height at a direction from an inner end to the outer end (column 2, lines 14-17). See Figure 4. Regarding claims 8 and 9, the brush members (8) comprise a plurality of bristles upwardly extending from the combing tooth (7) (column 2, lines 10-14). See Figure 2. Regarding claim 11, the comb body further has a plurality of guiding through slots (4). See Figure 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4, 6, 7, 10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiraello in view of Fuentes (U.S. Patent 2,610,637). Chiraello discloses the claimed invention except the combing teeth having a predetermined length wherein combing teeth gradually increase at a direction from the middle of the guiding wall to the two ends. Fuentes teaches a combing brush in which ends of the combing teeth have a predetermined length in such a manner to create a curved contacting line (column 1, lines 40-45). See Figure 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the combing brush of Chiraello and gradually increase the combing teeth at the direction from the middle of the guiding wall to the two ends to create a curved contacting line as taught by Fuentes, in order make the comb fit to the curvature of a person's head.

7. Claims 1, 2, 4, 7, 10, 14, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jobson (U.S. Patent No. 302,734) in view of Chiraello and Fuentes. Jobson discloses a comb having a handle (A') (column 1, lines 25-27), a guiding portion (A' and E), a plurality of combing teeth (B') (column 1, lines 27-28) wherein the combing teeth have a plurality of guiding through slots and are tapered towards the end, and

Art Unit: 3732

where the combing teeth (D and B) are perpendicularly extended from the bottom edge of the guiding wall (A) to form an L-shaped structure (column 2, lines 90-94). See Figures 1 and 2. Chiraello teaches a comb with a plurality of brush members upwardly extending from the combing tooth wherein the brush members are of a predetermined height and they gradually reduce heights at a direction from an inner end to the outer end. Fuentes teaches a combing brush in which ends of the combing teeth have a predetermined length in such a manner to create a curved contacting line. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the L-shaped comb of Jobson add a plurality of brush members that extend upward from the combing teeth as taught by Chiraello in order to create a comb brush that allows the user to comb and brush one's hair in one operation and where the bristles will not interfere with the combing operation nor will the teeth of the comb interfere with the use of the device as a brush. It would have further been obvious to one of ordinary skill in the art to take comb of Jobson and gradually increase the combing teeth at the direction from the middle of the guiding wall to the two ends to create a curved contacting line as taught by Fuentes, in order make the comb fit to the curvature of a person's head.

8. Claims 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jobson in view of Chiraello and Fuentes as applied to claims 1, 14, and 17 and in further view of Hope (U.S. Patent 1,370,649). Jobson as modified by Chiraello and Fuentes discloses the claimed invention except the plurality of additional combing teeth transversely extended along the bottom edge of the guiding wall at a

Art Unit: 3732

direction opposed to the combing teeth and a plurality of additional brush members upwardly extended along each of the additional combing teeth. Hope teaches a combined comb and brush that has a mirror image of the brush displayed on both sides of the guiding wall. See Figures 3 and 4. Therefore, it would have been obvious at the time the invention was made to take the comb of Jobson as modified by Chiraello and Fuentes and make the plurality of additional combing teeth transversely extended along the bottom edge of the guiding wall at a direction opposed to the combing teeth and a plurality of additional brush member upwardly extended along each of the additional combing teeth in thus creating a mirror image of the opposed side as taught by Hope in order to brush and comb the hair with either hand.

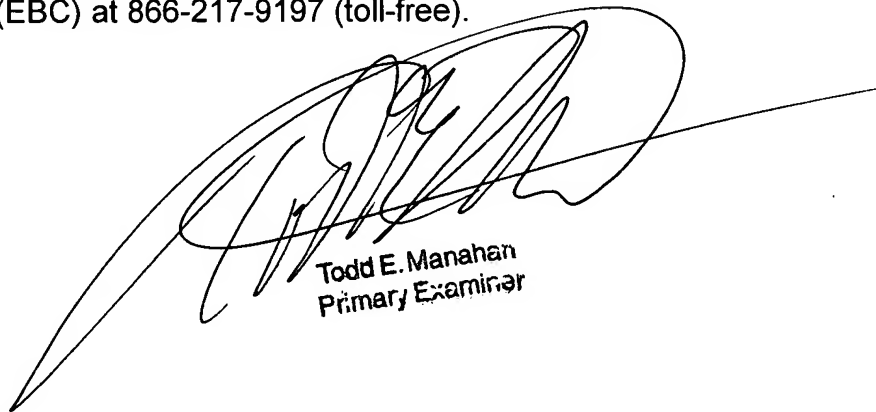
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel A. Running whose telephone number is (571) 272-1917. The examiner can normally be reached on Monday-Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAR

Todd E. Manahan
Primary Examiner